



LANXESS Corporation

Fax Coversheet

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Company: USPTO
Fax: 571-273-8300
Phone:

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From: Nicanor A. Köhncke
Div/Dept.: Law/Intellectual Property
Fax: 412-809-1054
Phone: 412-809-2234

DOCKET NO.: PO-7962/PS-1127
SERIAL NO.: 10/684,867

Please find a copy of Comments on Statement or Reasons for Allowance.

If you have any questions please call.

\s\NS\Law Shared\SHARED\JRS\PATENTS\7962\Fax Coversheet-USPTO 03-12-07.doc

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JUL 25 2007

PATENT APPLICATION
PO-7962
PS-1127

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF)
FRÉDÉRIC GUÉRIN) GROUP NO.: 1714
SERIAL NUMBER: 10/684,867) EXAMINER: VICKEY M. RONESI
FILED: OCTOBER 14, 2003) CONFIRMATION NO.: 4807
TITLE: POLYMER COMPOSITES)
COMPRISING LOW MOLECULAR)
WEIGHT NITRILE RUBBER)

COMMENTS ON STATEMENT OF REASONS OF ALLOWANCE
UNDER 37 CFR 1.104

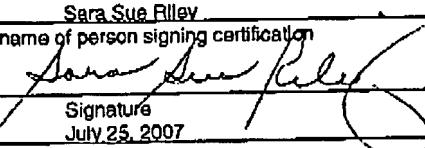
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sirs:

In responsive to the *Statement of Reasons for Allowance* contained in the *Notice of Allowability*, dated May 2, 2007, please enter the following Applicant's comments which begin on Page 2 of this paper.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Sera Sue Riley
Type or print name of person signing certification

Signature
July 25, 2007
Date

COMMENTS TO THE STATEMENT OF REASONS OF ALLOWANCE

Applicant and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner.

A notice of allowance was issued on May 2, 2007, wherein the Examiner provided her reasons for allowance. Applicant would like to make of record the following comments with respect to the Examiner's reasons:

Firstly, the Examiner states, "The present claims are drawn to a polymer composite *consisting of...*" (Page 2, emphasis added). This is an inaccurate statement of the scope of the claimed invention. The claims are clearly drawn to "A polymer composite *comprising...*" (Claim 1, emphasis added). "Comprising" has been consistently held to mean, "including the following elements but not excluding others." (MPEP 2111.3). Applicant, therefore, respectfully submits the presently claimed polymer composite includes the recited elements, but does not exclude other elements such as, for example, alkylthio groups.

Secondly, Applicant disagrees with the Examiner's statement, "[O]yama et al's rubber has an alkylthio group having 12-16 carbon atoms ... which results in a chemical difference from the presently claimed metathesis-catalyzed rubber." (Page 3). While the chemical properties of the claimed invention are different than those of the Oyama composition, they are not necessarily a direct result of the presence or absence of one or more alkylthio groups. Rather the difference, as best understood, relates to the metathesis process by which the presently claimed compositions are produced.

Thirdly, the Examiner indicates that Fujii (EP 0972 797) discloses a nitrile rubber composition in which the Mooney viscosity of the composition is reduced via a shearing process performed in the presence of an antioxidant that results in a chemical different from the presently claimed metathesis-catalyzed rubber composition. However, the Examiner fails to set forth the same finding with respect to the similar U.S. Patent granted to Fujii, USPN 6,489,385. With respect to the '385 patent the Examiner merely states that the nitrile rubber is reacted with an aging inhibitor resulting in a different

invention. The '385 Fujii patent, however, actually discloses a nitrile rubber compound having a lowered Mooney viscosity resulting from a substantially similar, if not identical, process of applying a shearing force to the rubber in the presence of an aging inhibitor.

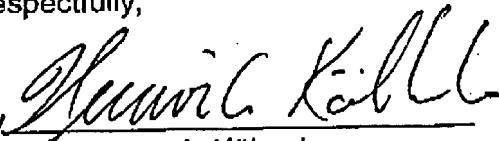
As used in these patents, "aging inhibitor" and "antioxidant" have an identical meaning (Compare '385 patent Col.3, lines 29-36 with the '797 patent Paragraph 0025). Thus the Examiner's distinction of the presently claimed invention and the '385 Fujii invention would be more appropriate if based on the shearing force rather than merely the reaction of the rubber compound with an anti-aging compound.

Finally, irrespective of the Applicant's agreement or disagreement with the correctness of the present Statement of Reasons for Allowance, Applicant respectfully submits that independent Claim 1 is fully distinguishable over the applied art and is allowable. Likewise, by virtue of dependence from what is believed to be an allowable independent Claim 1, it is respectfully submitted that Claims 2-8 are also allowable.

If there are any further issues in this application, the Office is invited to contact the undersigned at the telephone number listed below.

While no fees, other than those submitted herewith, are thought to be necessary in connection with this paper, the USPTO is hereby authorized to charge any fees, including any fees for an extension of time or those under 37 CFR 1.16 or 1.17, which may be required by this paper, and/or to credit any overpayments to Deposit Account No. 50-2527.

Respectfully,

By 

Nicander A. Köhncke
Attorney for Applicant
Reg. No. 57,348

LANXESS Corporation
Law & Intellectual Property Department
111 RIDC Park West Drive
Pittsburgh, Pennsylvania 15275-1112
(412) 809-2234
FACSIMILE PHONE NUMBER:
(412) 809-1054

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